

 **ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KOVARIK, P.C.
BY: Jaromir Kovarik, Esq.
Identification No.: 91314
412 Chestnut Street
Lebanon, PA 17042
Telephone: 717 272-6725
Attorney for Plaintiffs

CLEAN AIR COUNCIL &
All Similarly Situated Individuals
Plaintiffs,

v.

DRAGON INTERNATIONAL GROUP
DAVID WU, EDGE LLC,
and DAVID STEIN
Defendants.

: CIVIL ACTION – LAW / EQUITY
: CLASS ACTION
:

: NO. 06-CV-0430

: *J. Caldwell*

**FILED
HARRISBURG**

MAR 23 2006

MARY E. D'ANDREA, CLERK
[Signature]
DEPUTY CLERK

PLAINTIFFS' REPLY TO DEFENDANTS' ANSWER

AND NOW, Plaintiffs CLEAN AIR COUNCIL (CLEAN AIR) and a class represented by CLEAN AIR hereby reply to the Answer to Amended Complaint in the above-captioned action filed by Defendants DRAGON INTERNATIONAL GROUP (DRAGON), DAVID WU (WU), EDGE LLC (EDGE), and DAVID STEIN (STEIN). Plaintiffs answer Defendants' Answer to Amended Complaint as follows:

I.

Complainant reiterates and reaffirms the truth of each and every allegation of its complaint.

II. Defendants' Affirmative Defenses

66. Admitted.

67. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

Denied. Defendants were properly served; furthermore, Defendants called the office of Plaintiffs' counsel to discuss the complaint.

68. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

69. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

70. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

71. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

72. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

73. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

74. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

75. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

76. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

77. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

78. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

79. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

80. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied. To the extent these averments are factual in nature, they are denied. Plaintiffs did conduct reasonable inquiry under the circumstances and accordingly aver that Defendants are liable under the statute for the unsolicited faxes.


81. Denied. The averments made in this paragraph are conclusions of law to which no response is required. Accordingly, these averments are denied.

WHEREFORE, Plaintiffs CLEAN AIR COUNCIL and a class represented by CLEAN AIR request that this Court grant the relief requested in the Complaint.

Date

21 March 2006

Respectfully Submitted,



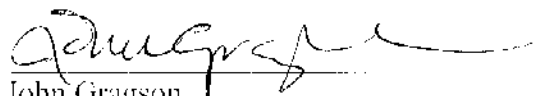
Jaromir Kovarik, Esq.
Pa. Attorney's L.D.# 91314
412 Chestnut Street
Lebanon, PA 17042
Telephone: 717-272-6725

CERTIFICATE OF SERVICE

AND NOW, this 21st day of March, 2006, I, John Gragson, hereby certify that I served a true and correct copy of the foregoing document by placing a copy of the same in the United States Mail, Certified Postage Prepaid, in Lebanon, PA, addressed as follows:

U.S. District Court Middle District of PA
Middle District Prothonotary
P.O. Box 11877
Federal Building
Harrisburg, PA 17108-1877

Richard L. Bazelon, Esq.
Bazelon, Less. & Feldman P.C.
1515 Market Street Suite 700
Philadelphia, PA 19102-1907

By: 
John Gragson
412 Chestnut Street
Lebanon, PA 17038
(717) 272-6725

Date: March 21, 2006